



DECISION TO STRIKE OUT

Case no. CH/98/988

Cviko JOVANOVIĆ

against

**BOSNIA AND HERZEGOVINA
and
THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the Second Panel on 6 December 2002 with the following members present:

Mr. Viktor MASENKO-MAVI, Acting President
Mr. Jakob MÖLLER
Mr. Mehmed DEKOVIĆ
Mr. Manfred NOWAK
Mr. Vitomir POPOVIĆ
Mr. Mato TADIĆ

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(3)(b) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

I. FACTS

1. The application was introduced on 25 September 1998.
2. The applicant complained of his inability to repossess his pre-war apartment, located at Maršala Tita no. 64, Tuzla.
3. The Chamber was informed by the Commission for Real Property Claims of Displaced Persons and Refugees ("CRPC") that the applicant had been reinstated into possession of his apartment.
4. On 12 May 2002 the Chamber sent a letter by registered mail to the applicant's pre-war apartment and to the address of his representative asking him to confirm his reinstatement. This letter specifically warned the applicant that if he did not respond to it, the Chamber might decide to strike out his application. The Chamber received two signed delivery receipts. However, the applicant never responded to the Chamber's letters.

II. OPINION OF THE CHAMBER

5. In accordance with Article VIII(3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that ... (b) the matter has been resolved;... provided that such result is consistent with objective of respect for human rights".
6. The Chamber notes that it appears that the applicant has been reinstated into possession of his pre-war apartment. It also considers that although the applicant received the Chamber's letters asking him to confirm his repossession, he has not responded. The Chamber therefore finds that the matter raised in the application has been resolved. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber, therefore, decides to strike out the application.

III. CONCLUSION

7. For these reasons, the Chamber unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Viktor MASENKO-MAVI
Acting President of the Second Panel